

Message Text

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DRAFTED BY ARA:PJDEVOS:LM

APPROVED BY ARA:JBKUBISCH

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TO AMEMBASSY SANTIAGO

INFO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS

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E.O. 11652: N/A

TAGS: SREF, CI

SUBJ: DRAFT REMARKS BY ASSISTANT SECRETARY KUBISCH

1. THE FOLLOWING IS A STATEMENT PREPARED FOR ASSISTANT SECRETARY JACK B. KUBISCH TO BE MADE SEPTEMBER 28, 1973, BEFORE THE SENATE SUBCOMMITTEE ON REFUGEE AFFAIRS. IT WAS NOT DELIVERED IN ITS ENTIRETY BECAUSE OF INTERRUPTIONS, AND IS TRANSMITTED FYI.
QUOTE.

2. MR. CHAIRMAN, MEMBERS OF THE COMMITTEE:

3. I VERY MUCH APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE THE SUBCOMMITTEE TODAY TO DISCUSS THE SITUATION IN CHILE AND UNITED STATES POLICY. I ALSO APPRECIATE THE OPPORTUNITY TO MAKE THIS INITIAL STATEMENT FOLLOWING WHICH I WILL DO MY BEST TO ANSWER ANY QUESTIONS YOU MAY HAVE.

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4. I WILL ALSO BE INTERESTED IN ANY VIEWS EXPRESSED BY

MEMBERS OF THE SUBCOMMITTEE AND ASSURE YOU THAT THEY WILL BE VERY CAREFULLY CONSIDERED BY ME AND OTHERS WHO ARE WORKING ON THESE MATTERS IN THE STATE DEPARTMENT.

5. MR. CHAIRMAN, THERE MAY BE SOME MATTERS OF INTEREST TO THE SUBCOMMITTEE THAT I SHOULD NOT COMMENT ON AT THIS TIME IN A PUBLIC SESSION BECAUSE OF MY POSITION AND THE STILL EVOLVING SITUATION IN CHILE. HOWEVER, I WANT YOU AND THE MEMBERS TO KNOW THAT I AM PREPARED TO DISCUSS ALL THE PERTINENT ISSUES AS FULLY AND AS CANDIDLY AS I CAN, AND IF IT APPEARS DURING THE COURSE OF THIS HEARING THAT SOME MATTERS WOULD BE INAPPROPRIATE FOR PUBLIC DISCUSSION I WILL BE MORE THAN WILLING TO CONTINUE THE HEARING IN EXECUTIVE SESSION IF YOU WISH. SUBSEQUENTLY, ALL OF THE TESTIMONY IN THE EXECUTIVE SESSION THAT DID NOT REALLY HAVE TO BE CLASSIFIED COULD BE PUBLICLY RELEASED.

6. NOW I WOULD LIKE TO MAKE SOME OBSERVATIONS AND REMARKS CONCERNING RECENT EVENTS IN CHILE AFFECTING HUMAN RIGHTS. THE UNITED STATES POSITION WITH RESPECT TO ALLEGATIONS OF WIDESPREAD VIOLATIONS OF HUMAN RIGHTS IN CHILE, AND OF HARSH TREATMENT OF THE MANY POLITICAL REFUGEES THERE, IS NATURALLY OF CONSIDERABLE PUBLIC CONCERN.

7. MOST COUNTRIES STILL REGARD REFERENCES TO DOMESTIC ACTIVITIES INVOLVING HUMAN RIGHTS AS IMPROPER INTER-FERENCE IN THEIR INTERNAL AFFAIRS. THIS IS TRUE OF ALL SORTS OF GOVERNMENTS, AND IT IS A REALITY WHICH WE MUST FACE IN OUR DEALINGS WITH FOREIGN GOVERNMENTS ON HUMAN RIGHTS ISSUES. NEVERTHELESS, THERE IS NO QUESTION THAT THE PROTECTION OF HUMAN RIGHTS IS A MATTER OF LEGITIMATE INTERNATIONAL INTEREST.

8. SECRETARY KISSINGER REITERATED TO THE UN GENERAL ASSEMBLY EARLIER THIS WEEK THAT THE UNITED STATES STRIVES FOR A WORLD IN WHICH THE RULE OF LAW GOVERNS, AND FUNDA-
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MENTAL HUMAN RIGHTS ARE THE BIRTHRIGHT OF ALL. THE UNITED STATES GOVERNMENT'S POSITION ON HUMAN RIGHTS IS AMPLY EMBODIED IN OUR SIGNING AND WHOLEHEARTED ENDORSEMENT OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, WHICH WILL HAVE ITS 25TH ANNIVERSARY IN DECEMBER OF THIS YEAR. THE UNIVERSAL DECLARATION, AS I AM SURE YOU ARE AWARE, POSITS A COMMON STANDARD FOR ALL PEOPLE IN ALL NATIONS. I MIGHT ADD THAT THE GOVERNMENT OF CHILE HAS ALSO SIGNED THAT

DECLARATION.

9. WE HAVE A LONG NATIONAL HERITAGE OF CONCERN FOR THE HOMELESS AND PERSECUTED, AND OUR CONCERN FOR HUMAN RIGHTS EXTENDS TO THE CHILEAN SITUATION AS IT DOES TO OTHERS. WE HAVE NOT INDULGED IN PREJUDGMENT OF OFTEN CONFLICTING REPORTS. BUT WE INSTRUCTED OUR AMBASSADOR, AT HIS FIRST OPPORTUNITY TO MEET WITH THE NEW CHILEAN GOVERNMENT, TO BRING TO THEIR ATTENTION OUR LONG-HELD VIEWS ON HUMAN RIGHTS. AND HE HAS DONE SO.

10. THE INTERNATIONAL COMMUNITY HAS CERTAIN BASIC EXPECTATIONS REGARDING THE TREATMENT OF RESISTORS, DETAINEES AND REFUGEES. IN ADDITION TO THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, THESE EXPECTATIONS HAVE FOUND INTERNATIONAL EXPRESSION IN SUCH INSTRUMENTS AS THE GENEVA CONVENTIONS, THE CONVENTION AND PROTOCOL RELATING TO THE STATUS OF REFUGEES, AND THE VIENNA CONVENTION ON CONSULAR RELATIONS. ALL PROVIDE THAT CERTAIN STANDARDS OF CONDUCT BE MET BY THE SUBSCRIBING NATIONS. CHILE IS A PARTY TO ALL OF THESE INSTRUMENTS. I WOULD NOTE THAT WHEN THE NEW CHILEAN AUTHORITIES ANNOUNCED THE FORMATION OF A NEW GOVERNMENT, THEY PLEDGED TO RESPECT ALL PREVIOUS INTERNATIONAL OBLIGATIONS.

11. WE HEARTILY SUPPORT THE EFFORTS OF THE UNITED NATIONS HIGH COMMISSIONER ON REFUGEES IN CHILE WHICH, WE UNDERSTAND, IN PART, RESULTED FROM YOUR INTERCESSION, MR. CHAIRMAN. THE UNHCR REPRESENTATIVE RESIDENT IN ARGENTINA IS NOW IN CHILE. THE UNHCR AND THE SECRETARY GENERAL OF THE UNITED NATIONS HAVE RECEIVED ASSURANCES FROM THE CHILEAN GOVERNMENT THAT IT WILL OBSERVE ITS OBLIGATIONS UNDER THE CONVENTION AND PROTOCOL RELATING TO THE STATUS

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OF REFUGEES, ESPECIALLY ITS UNDERTAKING NOT TO RETURN A REFUGEE TO A COUNTRY WHERE HIS LIFE OR FREEDOM WILL BE THREATENED ON ACCOUNT OF HIS POLITICAL BELIEFS, AND, SECOND, THAT IT WILL PROVIDE HUMANITARIAN TREATMENT OF DETAINED FOREIGNERS. A UN STATEMENT REFERS TO A LETTER RECEIVED FROM THE CHILEAN GOVERNMENT WHICH REGRETTED "MINOR INCIDENTS AND MISTAKES MADE IN THE CIRCUMSTANCES OF THE MOMENT" BUT DENIED ACCOUNTS OF TORTURE AND EXECUTION.

12. WE BELIEVE THAT THE PRESENCE OF A REPRESENTATIVE OF THE UNHCR, WHOSE OFFICE HAS THE SUPPORT OF A WIDE RANGE OF NATIONS, WILL HELP ENSURE THAT THE NEW CHILEAN GOVERNMENT RESPECTS ITS INTERNATIONAL COMMITMENTS IN THIS REGARD. WE HAVE MAINTAINED AND WILL CONTINUE TO

MAINTAIN CLOSE CONTACT WITH THE UNHCR IN GENEVA AND NEW YORK, AND OF COURSE WE ARE IN EVERYDAY TOUCH ON THE SUBJECT WITH OUR EMBASSY IN SANTIAGO.

13. FURTHER, WE ARE INFORMED THAT THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) HAS SENT TWO REPRESENTATIVES (SWISS NATIONALS) TO CHILE. AS WAS THE CASE WITH THE UNHCR, THEY HAVE BEEN PROMISED FULL COOPERATION BY THE CHILEAN GOVERNMENT. THE ICRC IS A NON-POLITICAL ORGANIZATION; ITS IMPARTIALITY IS INTERNATIONALLY ACKNOWLEDGED. IT HAS CONDUCTED MANY PROTECTIVE AND RELIEF

ACTIVITIES INVOLVING POLITICAL DETAINEES THROUGHOUT THE WORLD. WE UNDERSTAND THAT THE ICRC TEAM HAS CONFERRED WITH SENIOR OFFICIALS OF THE CHILEAN MINISTRIES OF FOREIGN AFFAIRS, DEFENSE, JUSTICE AND INTERIOR, AS WELL AS WITH THE DIRECTOR OF PRISONS. WE UNDERSTAND FURTHER THAT THE TEAM HAS RECEIVED WRITTEN AUTHORIZATION TO VISIT PLACES OF DETENTION AND TO INTERVIEW DETAINEES WITHOUT WITNESSES. WE WELCOME THIS EVIDENCE OF CHILEAN GOVERNMENT COOPERATION.

14. AS YOU KNOW, SOME RATHER SERIOUS ALLEGATIONS HAVE BEEN MADE, INCLUDING THE CHARGE THAT HUNDREDS OF PRISONERS HAVE BEEN SUMMARILY "EXECUTED." I AM UNABLE TO COMMENT AUTHORITATIVELY ON THESE, BUT WE HAVE SEEN REPORTS, INCLUDING MEDIA STORIES, THAT SOME DEATH SENTENCES HAVE

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BEEN IMPOSED.

15. I DON'T WISH TO DWELL ON THIS SUBJECT, BUT SO MUCH HAS APPEARED IN THE MEDIA ABOUT ALLEGED "MASS EXECUTIONS" BY THE CHILEAN AUTHORITIES OF PRISONERS HELD IN THE NATIONAL STADIUM THAT I WOULD LIKE TO TELL THE SUBCOMMITTEE THAT WE HAVE BEEN IN CONSTANT CONTACT WITH OUR EMBASSY IN SANTIAGO ASKING FOR INFORMATION ON THE SUBJECT. THE INFORMATION WE HAVE RECEIVED THUS FAR IS THAT THEY HAVE ENCOUNTERED NO CONCRETE EVIDENCE TO CONFIRM THESE ALLEGATIONS.

16. I WOULD POINT OUT IN THIS CONNECTION THAT THE FOREIGN PRESS CORPS AND THE TWO ICRC REPRESENTATIVES VISITED THE NATIONAL STADIUM ON SEPTEMBER 20 AND, WHILE NOT PERMITTED INDIVIDUAL INTERVIEWS ON THAT OCCASION, THEY HAD OPPORTUNITIES TO SPEAK WITH DETAINEES. THERE WAS APPARENTLY NO INFORMATION UNCOVERED DURING THESE VISITS WHICH WOULD SUBSTANTIATE THESE CHARGES.

17. I WOULD LIKE TO ADD A WORD ABOUT THE AMERICAN CITIZENS IN CHILE. WE HAVE RECEIVED AT DIFFERENT TIMES

VARYING INFORMATION ABOUT THE LOCATION AND WELL-BEING OF CERTAIN AMERICANS. THE SITUATION WAS COMPLICATED BY THE FACT THAT WE KNEW SOME AMERICAN CITIZENS WERE NOT ACCOUNTED FOR, BUT WE COULD NOT ASCERTAIN WHETHER THEY WERE UNDER DETENTION.

18. OUR LATEST INFORMATION, AS OF YESTERDAY, THURSDAY, SEPTEMBER 27, IS THAT THERE HAD BEEN SOME 24 AMERICANS WHO HAD BEEN DETAINED AT ONE TIME OR OTHER AND SUBSEQUENTLY RELEASED. THE LAST EIGHT PERSONS TO BE FREED WERE RELEASED ON WEDNESDAY, SEPTEMBER 26. THERE IS ONLY ONE REMAINING AMERICAN DEFINITELY BEING DETAINED, AS FAR AS WE KNOW, AND WE ARE IN CLOSE CONTACT WITH THE LOCAL

AUTHORITIES IN AN EFFORT TO EFFECT HER RELEASE. THERE ARE ALSO TWO ADDITIONAL AMERICANS WHOSE WELFARE AND WHEREABOUTS ARE NOT DEFINITELY KNOWN AT THIS POINT. THE EMBASSY IS TAKING EVERY STEP POSSIBLE TO LOCATE THESE TWO INDIVIDUALS, AND YOU MAY BE CERTAIN WE WILL CONTINUE OUR UNCLASSIFIED

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EFFORTS UNTIL ALL AMERICAN CITIZENS IN CHILE ARE ACCOUNTED FOR.

19. THANK YOU.

END QUOTE. KISSINGER

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